

The DACA Compromise Act of 2018

Summary

Rep. Darrell Issa

- The DACA Compromise Act of 2018 (“The DCA”) is modeled after the Nicaraguan Adjustment and Central American Relief Act of 1997 (“NACARA”), which established a path to citizenship for certain Nicaraguans, Cubans, Salvadorans, and Guatemalans by making available visas from the existing immigration pool.
- The DCA would provide legal permanent residency for participants in the Deferred Action for Childhood Arrivals program announced by President Obama on June 15, 2012, by making available visas from four existing immigration categories.
- Eligible participants are those granted deferred action under the DACA who have been continually present in the United States since June 15, 2012, and who have completed one full two-year term (or the equivalent) in the program.
- The DCA requires a medical examination and the submission of biometric and biographic data in accordance with procedures established by the Secretary of Homeland Security to ensure there is not a criminal, national security, or other factor that would render the alien ineligible for such status.
- Additionally, the individual may not have left the U.S. for any single period of more than 90 days or for any periods totaling 180 days. (If the failure to timely return is due to exceptional circumstances beyond the individual’s control, DHS may extend time limits).
- The visas would be apportioned on a rolling basis until the eligible DACA pool is cleared.
- The approximately 150,000 offsetting visas that will be used for DACA participants each year on a rolling basis are pulled from four categories: sibling reunification visas (4th family preference – 65,000), the diversity lottery (55,000 visas), married sons and daughters of U.S. citizens (half of the 3rd family preference – 11,700), and from certain skilled immigrants (half of the 2nd employment based preference – 20,000).
- Until such time that a visa becomes available, eligible participants are granted provisional protected status. They will not be considered unlawfully present in the United States and will be authorized to work.